

STATE OF INDIANA)
) SS:
COUNTY OF SULLIVAN)

IN THE SULLIVAN CIRCUIT COURT
2005 TERM
CAUSE NO. 77C01-0502-MI-00051

MICKY THOMAS,
Plaintiff

VS

INDIANA DEPT. OF CORRECTIONS, et. al.,
Defendants

FILED
IN CIRCUIT COURT

FEB - 7 2005

Steph. Smith
Clerk, Sullivan Circuit Court

ORDER

Pursuant to I.C. 34-58-1-1, this Court has examined Plaintiff's Complaint and has determined, pursuant to I.C. 34-58-1-2, that the claim is frivolous in that it does not have an arguable basis in the law and does not state a claim upon which relief may be granted. Further, the Plaintiff has failed to provide any proof to the Court that he has exhausted his administrative remedies before filing this cause of action.

According to the records in the Clerk's Office, the Plaintiff has now filed two (2) lawsuits that have been dismissed pursuant to I.C. 34-58-1-1. Once Plaintiff has received three (3) dismissals pursuant to this statute, the Plaintiff will be prohibited from filing further actions in any Indiana State Trial Court unless he is in immediate danger of serious bodily injury.

Based on the foregoing, Plaintiff's Complaint cannot proceed and this matter is removed from the Court's active docket.

SO RECOMMENDED this 7th day of February, 2005.

Ann Smith Mischler
ANN SMITH MISCHLER, Magistrate of the
Sullivan Circuit Court

SO ORDERED this 7th day of February, 2005.

P. J. Pierson
P. J. PIERSON, Judge of the
Sullivan Circuit Court

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